

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ELIYAHU WEINSTEIN,
Petitioner,

v.

UNITED STATES,
Respondent.

Civil Action No. _____

AFFIDAVIT OF DANIEL N. MARX, ESQ.

I, Daniel N. Marx, state as follows:

1. I am counsel to Petitioner Eliyahu Weinstein in this matter, a partner at Fick & Marx LLP, and a member in good standing of the bars of New York, Massachusetts, the District of Columbia, and several federal courts.
2. Attached as Exhibit 1 is a true and correct copy of handwritten notes, dated September 1, 2010, titled "Notes for 9/1/10 Mtg w/ G. Ginsburg + E. Weinstein," produced by Proskauer Rose LLP, and Bates-stamped PROSK_57506-08.
3. Attached as Exhibit 2 is a true and correct copy of handwritten notes, titled "1M Retainer," produced by Proskauer, and Bates-stamped PROSK_57496-98.
4. Attached as Exhibit 3 is a true and correct copy of handwritten notes, dated October 5, 2010, for a meeting with Eliyahu Weinstein and Zev Lesser, produced by Proskauer, and Bates-stamped PROSK_57492-93.
5. Attached as Exhibit 4 is a true and correct copy of an email from Eliyahu Weinstein, dated October 6, 2010.

6. Attached as Exhibit 5 is a true and correct copy of an email from Mark Harris, dated November 17, 2010.

7. Attached as Exhibit 6 is a true and correct copy of an email from Michael Burnbaum, dated November 19, 2010.

8. Attached as Exhibit 7 is a true and correct copy of an email from Mark Harris, dated November 26, 2010.

9. Attached as Exhibit 8 is a true and correct copy of an email from Mara Taylor, dated December 7, 2010, with handwritten notes, produced by Proskauer, and Bates-Stamped PROSK57410-12.

10. Attached as Exhibit 9 is a true and correct copy of handwritten notes titled "Conf w/RJC & MH," dated December 7 and 8, 2010, produced by Proskauer, and Bates-stamped PROSK_57695_97.

11. Attached as Exhibit 10 is a true and correct copy of an email from Mark Harris, dated December 9, 2010, with an attachment.

12. Attached as Exhibit 11 is a true and correct copy of an email from Mark Harris, dated December 10, 2010.

13. Attached as Exhibit 12 is a true and correct copy of an email from Mark Harris, dated December 19, 2010.

14. Attached as Exhibit 13 is a true and correct copy of an email from Mark Harris, dated December 21, 2010.

15. Attached as Exhibit 14 is a true and correct copy of an email from Mark Harris, dated December 28, 2010.

16. Attached as Exhibit 15 is a true and correct copy of an email from Mark Harris, dated December 30, 2010, with an attachment.

17. Attached as Exhibit 16 is a true and correct copy of an email from Eliyahu Weinstein, dated January 24, 2011.

18. Attached as Exhibit 17 is a true and correct copy of an email from Eliyahu Weinstein, dated April 4, 2011.

19. Attached as Exhibit 18 is a true and correct copy of an FBI memorandum of an interview with Morris Rotenstein, dated May 5, 2011, and marked Government Exhibit J-MR-5.

20. Attached as Exhibit 19 is a true and correct copy of handwritten notes from Morris Rotenstein, undated, titled "Re: Meeting with Mark Harris," and marked Government Exhibit J-MR-6.

21. Attached as Exhibit 20 is a true and correct copy of an email from Henry Klingeman, dated August 10, 2011.

22. Attached as Exhibit 21 is a true and correct copy of a document, titled "Points to discuss with Zack (August 19, 2011)," with handwritten notes, produced by Proskauer, and Bates-stamped PROSK_54216-17.

23. Attached as Exhibit 22 is a true and correct copy of an email from Mark Harris, dated August 19, 2011.

24. Attached as Exhibit 23 is a true and correct copy of a document, undated, titled "Meeting with Eli Weinstein," produced by Proskauer, and Bates-stamped PROSK_54192-93.

25. Attached as Exhibit 24 is a true and correct copy of an email from David Schoen, dated August 22, 2011.

26. Attached as Exhibit 25 is a true and correct copy of an email from David Schoen, dated August 23, 2011.

27. Attached as Exhibit 26 is a true and correct copy of handwritten notes, dated August 29, 2011, titled "Henry K," produced by Proskauer, and Bates-stamped PROSK_57392-94.

28. Attached as Exhibit 27 is a true and correct copy of an email from Mark Harris, dated August 29, 2011.

29. Attached as Exhibit 28 is a true and correct copy of an email from David Schoen, dated August 30, 2011.

30. Attached as Exhibit 29 is a true and correct copy of an email from Robert Cleary, dated September 1, 2011.

31. Attached as Exhibit 30 is a true and correct copy of handwritten notes, undated, titled "T/C w/ Zach Intrater," produced by Proskauer, and Bates-stamped PROSK_57398.

32. Attached as Exhibit 31 is a true and correct copy of an email from Anna Cominsky, dated September 22, 2011.

33. Attached as Exhibit 32 is a true and correct copy of an email from Henry Klingeman, dated September 22, 2011.

34. Attached as Exhibit 33 is a true and correct copy of an email from Eliyahu Weinstein, dated October 7, 2011, without the attachment.

35. Attached as Exhibit 34 is a true and correct copy of an email from David Schoen, dated October 7, 2011.

36. Attached as Exhibit 35 is a true and correct copy of an email from Henry Klingeman, dated November 17, 2011.

36A. Attached as Exhibit 35A is a true and correct copy of an email from Mark Harris, dated February 26, 2012.

37. Attached as Exhibit 36 is a true and correct copy of an email from Mark Harris, dated March 5, 2012.

38. Attached as Exhibit 37 is a true and correct copy of an email from Mark Harris, dated March 27, 2012.

39. Attached as Exhibit 38 is a true and correct copy of handwritten notes, undated, titled "Meeting w/Eli and Sol Goldman," produced by Proskauer, and Bates-stamped PROSK_54210-11.

40. Attached as Exhibit 39 is a true and correct copy of an email from Mark Harris, dated April 23, 2012.

41. Attached as Exhibit 40 is a true and correct copy of an email from Mark Harris, dated April 27, 2012.

42. Attached as Exhibit 41 is a true and correct copy of an email from Mark Harris, dated May 4, 2012.

43. Attached as Exhibit 42 is a true and correct copy of an email from Mark Harris, dated May 21, 2012.

44. Attached as Exhibit 43 is a true and correct copy of an email from Mark Harris, dated August 23, 2012.

45. Attached as Exhibit 44 is a true and correct copy of an email from Michael Burnbaum, dated November 5, 2012.

46. Attached as Exhibit 45 is a true and correct copy of a draft plea agreement with Eliyahu Weinstein from the U.S. Attorney's Office for New Jersey, dated November 5, 2012.

47. Attached as Exhibit 46 is a true and correct copy of an email from David Schoen, dated November 6, 2012, without the attachment.

48. Attached as Exhibit 47 is a true and correct copy of an email from David Schoen, dated November 7, 2012.

49. Attached as Exhibit 48 is a true and correct copy of an email from Eliyahu Weinstein, dated November 7, 2012, without the attachment.

50. Attached as Exhibit 49 is a true and correct copy of an email from Mark Harris, dated November 7, 2012, Bates-stamped PROSK_70258.

51. Attached as Exhibit 50 is a true and correct copy of an email from Henry Klingeman, dated November 8, 2012.

52. Attached as Exhibit 51 is a true and correct copy of an email from Mark Harris, dated November 8, 2012, Bates-stamped PROSK_70261.

53. Attached as Exhibit 52 is a true and correct copy of an email from Henry Klingeman, dated November 8, 2012.

54. Attached as Exhibit 53 is a true and correct copy of an email from David Schoen, dated November 12, 2012.

55. Attached as Exhibit 54 is a true and correct copy of an email from Anna Cominsky, dated November 12, 2012.

56. Attached as Exhibit 55 is a true and correct copy of an email from Michael Burnbaum, dated November 26, 2012.

57. Attached as Exhibit 56 is a true and correct copy of an email from Anna Cominsky, dated November 30, 2012.

58. Attached as Exhibit 57 is a true and correct copy of an email from David Schoen, dated December 2, 2012.

59. Attached as Exhibit 58 is a true and correct copy of an email from Dana Sledge, dated December 3, 2012.

60. Attached as Exhibit 59 is a true and correct copy of an email from Henry Klingeman, dated December 5, 2012.

61. Attached as Exhibit 60 is a true and correct copy of an email from Henry Klingeman, dated December 5, 2012.

62. Attached as Exhibit 61 is a true and correct copy of an email from Michael Burnbaum, dated December 5, 2012.

63. Attached as Exhibit 62 is a true and correct copy of an email from Anna Cominsky, dated December 5, 2012, with an attachment.

64. Attached as Exhibit 63 is a true and correct copy of an email from Zach Intrater, dated December 5, 2012.

65. Attached as Exhibit 64 is a true and correct copy of an email from Mark Harris, dated December 9, 2012.

66. Attached as Exhibit 65 is a true and correct copy of an email from Mark Harris, dated December 10, 2012.

67. Attached as Exhibit 66 is a true and correct copy of an email from Henry Klingeman, dated December 11, 2012.

68. Attached as Exhibit 67 is a true and correct copy of an email from Eliyahu Weinstein, dated December 12, 2012.

69. Attached as Exhibit 68 is a true and correct copy of an email from David Schoen, dated December 13, 2012.

70. Attached as Exhibit 69 is a true and correct copy of an email from Zach Intrater, dated December 14, 2012.

70A. Attached as Exhibit 69A is a true and correct copy of an email from Mark Harris, dated December 14, 2012.

71. Attached as Exhibit 70 is a true and correct copy of an email from Mark Harris, dated December 17, 2012.

72. Attached as Exhibit 71 is a true and correct copy of a check, dated December 20, 2012, in the amount of \$1,000,000, made payable to Proskauer.

73. Attached as Exhibit 72 is a true and correct copy of an email from Michael Burnbaum, dated December 21, 2012.

74. Attached as Exhibit 73 is a true and correct copy of an email from Jessica Fisher, dated December 21, 2012.

75. Attached as Exhibit 74 is a true and correct copy of handwritten notes, dated December 21, 2012, titled "Mtng w/ H. Klingeman," produced by Proskauer, and Bates-stamped PROSK_57702-14.

76. Attached as Exhibit 75 is a true and correct copy of an email from Mark Harris, dated December 22, 2012, and Bates-stamped PROSK_54206-08.

77. Attached as Exhibit 76 is a true and correct copy of an email from Robert Cleary, dated December 23, 2012.

78. Attached as Exhibit 77 is a true and correct copy of an engagement letter between Proskauer and Michael Burnbaum, dated December 23, 2012.

79. Attached as Exhibit 78 is a true and correct copy of an email from Mark Harris, dated December 26, 2012.

80. Attached as Exhibit 79 is a true and correct copy of an email from Mark Harris, dated December 30, 2012, and Bates-stamped PROSK_54258-59.

81. Attached as Exhibit 80 is a true and correct copy of an email from Gurbir Grewal, dated January 1, 2013.

82. Attached as Exhibit 81 is a true and correct copy of handwritten notes, undated, titled "Plea," produced by Proskauer, and Bates-stamped PROSK_57359.

83. Attached as Exhibit 82 is a true and correct copy of handwritten notes, undated, titled "Let us have the 5-10," produced by Proskauer, and Bates-stamped PROSK_57360-61.

84. Attached as Exhibit 83 is a true and correct copy of handwritten notes, dated January 2, 2013, titled "Judge Pisano," produced by Proskauer, and Bates-stamped PROSK_57361.

85. Attached as Exhibit 84 is a true and correct copy of handwritten notes, undated, untitled, produced by Proskauer, and Bates-stamped PROSK_57362.

86. Attached as Exhibit 85 is a true and correct copy of an email from Robert Cleary, dated January 2, 2013, Bates-stamped PROSK_72209.

87. Attached as Exhibit 86 is a true and correct copy of an email from Jessica Fisher, dated January 2, 2013, Bates-stamped PROSK_72210.

88. Attached as Exhibit 87 is a true and correct copy of an email from Henry Klingeman, dated January 2, 2013.

89. Attached as Exhibit 88 is a true and correct copy of an email from Mark Harris, dated January 2, 2013.

90. Attached as Exhibit 89 is a true and correct copy of an email from Henry Klingeman, dated January 2, 2013, with two attachments.

91. Attached as Exhibit 90 is a true and correct copy of an email from Robert Cleary, dated January 2, 2013.

92. Attached as Exhibit 91 is a true and correct copy of handwritten notes, undated, untitled, produced by Proskauer, and Bates-stamped PROSK_58080.

93. Attached as Exhibit 92 is a true and correct copy of an email from Eliyahu Weinstein, dated January 2, 2013, with two attachments.

94. Attached as Exhibit 93 is a true and correct copy of an email from Eliyahu Weinstein, dated January 2, 2013, with an attachment.

95. Attached as Exhibit 94 is a true and correct copy of an email from Michael Burnbaum, dated January 2, 2013, Bates-stamped PROSK_57354.

96. Attached as Exhibit 95 is a true and correct copy of an email from Henry Klingeman, dated January 2, 2013, Bates-stamped PROSK_57358.

97. Attached as Exhibit 96 is a true and correct copy of handwritten notes, dated January 9, 2012 (but apparently made on January 9, 2013), titled "TC w/Eli," produced by Proskauer, and Bates-stamped PROSK_57738-43.

98. Attached as Exhibit 97 is a true and correct copy of handwritten notes, dated January 10, 2012 (but apparently made on January 10, 2013), titled "Meeting w/Eli, Burnbaum," produced by Proskauer, and Bates-stamped PROSK_57744-48.

99. Attached as Exhibit 98 is a true and correct copy of an email from Eric Creizman, dated September 24, 2013.

100. Attached as Exhibit 99 is a true and correct copy of an email from Eric Creizman, dated October 14, 2013.

101. Attached as Exhibit 100 is a true and correct copy of an email from Eric Creizman, dated October 22, 2013.

102. Attached as Exhibit 101 is a true and correct copy of an email from Eric Creizman, dated November 11, 2013.

103. Attached as Exhibit 102 is a true and correct copy of an email from David Schoen, dated November 17, 2013.

104. Attached as Exhibit 103 is a true and correct copy of an email from Henry Klingeman, dated November 21, 2013.

105. Attached as Exhibit 104 is a true and correct copy of an email from Henry Klingeman, dated November 24, 2013.

106. Attached as Exhibit 105 is a true and correct copy of an email from Howard Brownstein, dated November 30, 2013.

107. Attached as Exhibit 106 is a true and correct copy of a memorandum to file, dated December 3, 2013, from Eric Creizman, of a telephone call with Dietrich Snell and Mark Harris.

108. Attached as Exhibit 107 is a true and correct copy of an email from David Schoen, dated December 4, 2013.

109. Attached as Exhibit 108 is a true and correct copy of an email from Eric Creizman, December 10, 2013.

110. Attached as Exhibit 109 is a true and correct copy of an unsigned draft affidavit from Robert Cleary.

111. Attached as Exhibit 110 is a true and correct copy of an email from Eric Creizman, dated December 19, 2013.

112. Attached as Exhibit 111 is a true and correct copy of an email from Carolini Polisi, dated December 20, 2013.

113. Attached as Exhibit 112 is a true and correct copy of an email from Eric Creizman, dated December 24, 2013.

114. Attached as Exhibit 113 is a true and correct copy of a declaration of Eric Creizman, dated December 26, 2013.

115. Attached as Exhibit 114 is a true and correct copy of an email from Steven Yurowitz, dated September 4, 2014.

116. Attached as Exhibit 115 is a true and correct copy of an email from Steven Yurowitz, dated December 1, 2014.

117. Attached as Exhibit 116 is a true and correct copy of an invoice, dated December 27, 2010, from Proskauer to Eliyahu Weinstein concerning his federal criminal case, Bates-stamped PROSK_53981-84.

118. Attached as Exhibit 117 is a true and correct copy of an invoice, dated October 10, 2011, from Proskauer to Eliyahu Weinstein concerning his federal criminal case, Bates-stamped PROSK_54002-05.

119. Attached as Exhibit 118 is a true and correct copy of an invoice, dated February 21, 2013, from Proskauer to Eliyahu Weinstein concerning his federal criminal case, Bates-stamped PROSK_54042-53.

120. Attached as Exhibit 119 is a true and correct copy of a letter from Daniel Marx to Proskauer, dated November 2, 2016, requesting the entire contents of all client files for all matters in which Proskauer represented Eliyahu Weinstein, including but not limited to his federal criminal case.

121. Attached as Exhibit 120 is a true and correct copy of an email from Daniel Marx, dated November 14, 2016.

122. Attached as Exhibit 121 is a true and correct copy of an email from Nancy Gertner, dated January 20, 2018.

123. Attached as Exhibit 122 is a true and correct copy of an email from Daniel Marx, dated June 1, 2017.

124. Attached as Exhibit 123 is a true and correct copy of an email from Mark Harris, dated July 28, 2017.

125. Attached as Exhibit 124 is a true and correct copy of a letter from Mark Harris, dated July 31, 2017.

126. Attached as Exhibit 125 is a true and correct copy of an email from Mark Harris, dated August 18, 2017.

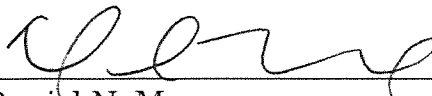
127. Attached as Exhibit 126 is a true and correct copy of a letter from Om Alladi, dated August 22, 2017.

128. Attached as Exhibit 127 is a true and correct copy of a letter from Daniel Marx, dated October 27, 2017.

129. Attached as Exhibit 128 is a true and correct copy of an email from Mark Harris, dated November 3, 2017.

130. Attached as Exhibit 129 is a true and correct copy of a letter from Om Alladi, dated November 7, 2017.

Signed under the pains and penalties of perjury on this 21st day of January 2018 at Boston, Massachusetts.


Daniel N. Marx